

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIE JOHNSON

PLAINTIFF

v.

No. 4:05CV187-M-B

SHERIFF NED HOLDER, ET AL.

DEFENDANTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner complaint of Willie Johnson (#R8118), challenging the conditions of his confinement under 42 U.S.C. § 1983. For the purposes of the Prison Litigation Reform Act, the court notes that the plaintiff was incarcerated at the time he filed the instant complaint. The plaintiff alleges that he had a verbal dispute with another inmate at the Sunflower County Jail – and that the other inmate took a swing at the plaintiff – but missed. In self-defense, the plaintiff punched the other inmate, but in doing so he broke his hand. The staff at the Sunflower County Jail took the plaintiff to the doctor, who set the fracture and placed the plaintiff’s hand in a cast.

The plaintiff’s allegations do not state a constitutional claim. The verbal dispute led immediately into a physical one consisting of two punches; the fight was over as soon as it started. The plaintiff, in fact, broke his own hand while attacking another inmate. As such, the instant case shall be dismissed with prejudice for failure to state a claim upon which relief could

be granted, counting as a “strike” under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g). A final judgment consistent with this memorandum opinion shall issue today.

SO ORDERED, this the 4th day of October, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE